

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1776 - HB 2034

April 3, 2009

SUMMARY OF BILL: Expands the definition of “adult” to establish that a person who is 18 years old or older who is mentally impaired but still competent is deemed a person with mental dysfunction for the purposes of adult protective services. Redefines “imminent danger” to include conditions that result in a reasonable possibility of irreparable physical or mental harm which reduces the threshold by which court action may be taken by Adult Protective Services (APS).

ESTIMATED FISCAL IMPACT:

Increase State Revenue - Not Significant

Increase State Expenditures – Not Significant

Assumptions:

- According to the Department of Human Services, during an APS investigation and assessment, an individual’s capacity is assessed. If concerns arise, further evaluation is requested. If an individual is mentally impaired, is in need of services, and is willing to accept services, the DHS will provide services regardless of the individual’s capacity or competence.
- It is the state’s responsibility to prove a higher standard of burden of proof in order to protect the rights of the population which will be broader. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- A small increase in cases in the court system, which will result in additional state expenditures for processing the cases and additional state revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

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CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/kml